1	wo		
2			
3			
4			
5			
6	IN THE UNITED STATES DISTRICT COURT		
7	FOR THE DISTRICT OF ARIZONA		
8			
9	David Allen Wiechens, ) No. CV 13-0900-PHX-JAT		
10	Petitioner, ORDER		
11	vs.		
12	Charles L. Ryan, et al.,		
13			
14	Respondents. )		
15			
16	Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus		
17	("Petition") (Doc. 1). The Magistrate Judge issued a Report and Recommendation ("R&R")		
18	(Doc. 9) recommending that the Petition be denied and dismissed because it is barred by the		
19	statute of limitations.		
20	Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts		
21	the R&R. See Thomas v. Arn, 474 U.S. 140, 149 (1985) (finding that district courts are not		

Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. See Thomas v. Arn, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection" (emphasis added)); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)); see also Schmidt v. Johnstone, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

Based on the foregoing,

Case 2:13-cv-00900-JAT	Document 10	Filed 12/13/13	Page 2	2 of 2
------------------------	-------------	----------------	--------	--------

1	IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 9)
2	is ACCEPTED; accordingly,
3	• Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is denied and
4	dismissed with prejudice,
5	• in the event Petitioner files an appeal, issuance of a certificate of appealability
6	is denied because denial of the petition is based on a plain procedural bar and
7	jurists of reason would not find this Court's procedural ruling debatable. See
8	Slack v. McDaniel, 529 U.S. 473, 484 (2000), and
9	the Clerk of the Court shall enter judgment of dismissal with prejudice.
10	DATED this 13 <sup>th</sup> day of December, 2013.
11	
12	() (//:/-
13	James A. Teilborg
14	Senior United States District Judge
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	